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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,213	01/13/2005	Max Segerljung	821-72	9044
7590 Dilworth & Barrese 333 Earle Ovington Boulevard Uniondale, NY 11553			EXAMINER GOODEN JR, BARRY J	
			ART UNIT 3616	PAPER NUMBER
			MAIL DATE 11/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/521,213	Applicant(s) SEGERLJUNG, MAX	
	Examiner Barry J. Gooden Jr.	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,10-12,18 and 20-23 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,13-17 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the amendment filed September 6, 2007. Currently, claims 1-23 are pending. Claims 1-3, 5, 9-11, 14, 15, 18, and 20 are amended. Claims 21-23 are new.

Claim Objections

1. Claims objected to because of the following informalities:

Claim 1, at line 8, "vertical plane" should be replaced with -- vertical direction -- or -- vertical axis --.

Claim 2, line 19, "frame part (6) to" should be replaced with -- frame part (6) to: --.

Claim 2, line 21, "wheel is resting on" should be replaced with -- wheel is resting, on --.

Claim 5, line 3, "said boundary area and pre-determined boundary (19)" should be replaced with -- said boundary area (19) and pre-determined boundary --.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-9, 13-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa, US Patent 5,947,516.

In regards to claims 1, 2, 4-9, and 13, Ishikawa discloses all of the claimed elements including a vehicle comprising:

a chassis (15);

at least two mutually separated wheels (8b) arranged at one end of the chassis and two mutually separated wheels (19) arranged at a second end of a chassis;

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wherein the wheels on the second end are arranged on a frame part (16) that is pivotally arranged relative to the chassis about a substantially central longitudinal axis (Reference is made to 17) running between the first and the second sides of the vehicle, thereby creating a stability area for the vehicle in the shape of a triangle in the horizontal plane (Reference is made to Figure 5);

an arrangement (32) for determining the position of the vehicle's tipping point (Pg); and,

means (22) for fixing the frame part relative to the chassis;

said arrangement being structured and arranged to continuously determine the position of the vehicle's tipping point (Reference is made to column 4, line 60 - column 5, line 2);

wherein the arrangement calculates the vehicle's instantaneous center of gravity;

wherein the arrangement determines the position of the boundary area and reduces a pre-determined boundary as velocity increases;

wherein the vehicle comprises a lifting unit (Reference is made to 4) arranged on the first side of the chassis.

In regards to claims 14-17 and 19, the structure as disclosed by Ishikawa meets the method limitations as claimed.

In regards to "gradually increasing resistance" and "structured and arranged" it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. As such, the structure as defined by Ishikawa meets the claimed limitation, as it is capable of being used in the intended manner.

Furthermore examiner notes that caster wheels are old and well known in the work vehicle art especially lift trucks and it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the front wheels of Ishikawa to include front caster wheels so as to provide optimum maneuverability in close quarters.

Allowable Subject Matter

4. Claim 3, 10-12, 18, and 20-23 are allowed.

Response to Arguments

5. Applicant's arguments filed September 6, 2007 have been fully considered but they are not persuasive. Examiner maintains the previous rejection is proper. Further it is noted that "structured and arranged" is functional terminology which does not serve to define over the structure of the prior art.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

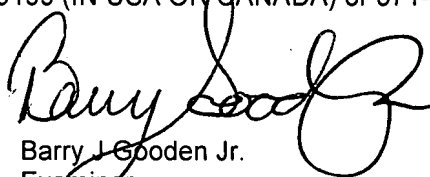
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Barry J. Gooden Jr.
Examiner
Art Unit 3616

BJG

 11/26/07
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600